

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GERALD A. BERRY,)	No. 07 C 6282
)	
Plaintiff,)	Judge Der-Yeghiayan
)	
v.)	
)	
JOHN E. POTTER, Postmaster General)	
of the United States Postal Service, et al.,)	
)	
Defendants.)	

**DEFENDANT POSTAL SERVICE'S
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendant John Potter, Postmaster General of the United States Postal Service ("Postal Service"), by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves for an extension of time to and including May 12, 2008, in which to file the Postal Service's response to plaintiff's amended complaint. In support of this motion, defendant states as follows:

1. The Postal Service's response to the amended complaint is due on April 21, 2008.
2. This lawsuit is a "hybrid" action in which the plaintiff alleges that he was unlawfully terminated from his employment with the Postal Service in breach of the applicable collective bargaining agreement and that defendant American Postal Workers and American Postal Workers Union Local 7011 ("Union") breached its duty of fair representation when it declined to appeal a grievance over the discharge to arbitration. As such, to establish a claim against the Postal Service, plaintiff must allege facts sufficient to establish both that the Union breached its duty of fair representation and that the Postal Service breached the collective bargaining agreement.
3. The Postal Service needs additional time for two reasons. First, it is still in the

process of gathering relevant documents relating to the underlying grievance. Second, given the “hybrid” nature of the claim, the Postal Service’s response will rely, in part, on the response of the Union, which will not be filed until May 5, 2008.

4. Accordingly, the additional time requested will allow the Postal Service time to obtain the relevant documents and to review the response filed by the Union.

WHEREFORE, defendant Postal Service moves this court for entry of an order allowing an extension of time to file its response to plaintiff’s amended complaint to May 12, 2008.

Respectfully submitted,

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